

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
IN RE TREMONT SECURITIES LAW,	:	Master File No.
STATE LAW AND INSURANCE	:	08 Civ. 11117 (TPG)
LITIGATION	:	
-----X	:	
This Document Relates to:	:	
	:	
	:	
ELENDOW FUND, LLC,	:	10 Civ. 9061 (TPG)
	:	
Plaintiff,	:	
	:	
-against-	:	ECF Case
	:	Electronically Filed
	:	
RYE SELECT BROAD MARKET XL FUND,	:	
L.P., et al.,	:	<u>NOTICE OF MOTION</u>
	:	
Defendants.	:	
	:	
-----X	:	

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law dated November 16, 2012 and all other pleadings filed in this action, defendant Oppenheimer Acquisition Corp. will move this Court before the Honorable Thomas P. Griesa, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and at a time to be designated by the Court, for an order (a) dismissing with prejudice all claims against it contained in Plaintiff's Second Amended Complaint, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of

Civil Procedure, and (b) granting such other and further relief as the Court deems just and proper.

Dated: Princeton, New Jersey
November 16, 2012

DECHERT LLP

By: /s/ David A. Kotler
David A. Kotler
david.kotler@dechert.com
902 Carnegie Center, Suite 500
Princeton, New Jersey 08540
Tel.: (609) 955-3200
Fax: (609) 955-3259

*Attorneys for Defendant Oppenheimer
Acquisition Corp.*

14739585